

Ethics is a code of values which guide our choices and actions and determine the purpose and course of our lives.
Ayn Rand

MORALITY,
WHEN
FORMAL,
DEVOURS.
Albert Camus

A man without
ethics is a wild
beast loosed upon
this world.
Manley Hall

That which is
beautiful is moral.
That is all,
nothing more.
Gustave Flaubert

Morality is the best of
all devices for leading
mankind by the nose.
Friedrich Nietzsche

Pity is not natural
to man. Children
are always cruel.
Savages are always
cruel. Pity is
acquired and
improved only by
the cultivation of
reason.
Samuel Johnson

Because the human race is as much part
of the Universe as atoms and galaxies,
moral laws are as independent of you and
me, and of whatever cultures helped
shape our character and ethical
convictions, as the laws of truth and
beauty.
Martin Gardner

People who believe
absurdities will
commit atrocities.
Voltaire

In law, a man is guilty when
he violates the rights of
another. In ethics he is guilty
if he only thinks of doing so.
Immanuel Kant

THE FOUNDATION OF
MORALITY IS TO HAVE
DONE, ONCE AND FOR
ALL, WITH LYING.
Thomas Henry Huxley

Morality is suspecting other
people of not being legally
married.
George Bernard Shaw

A moral being is one who is
capable of comparing his
past and future actions or
motives, and of approving
or disapproving of them.
Charles Darwin

What is morality in any given time
or place? It is what the majority
then and there happen to like –
and immorality is what they dislike.
Alfred North Whitehead

Aims

By the end of this chapter you should:

- appreciate the meaning of the concept of 'ethics'
- understand the traditional role of reasoning in ethics
- understand the strengths and weaknesses of some common approaches to ethics
- understand the possible role(s) of emotion in ethics
- understand the inherent limitations of theory in determining action
- understand how the concept of choice applies in ethics.

Introduction: what are ethics?

If you are particularly good at, say, history, then you are likely to be able to analyse sources intelligently, reconcile conflicting evidence, and convincingly analyse cause and effect with regard to the events of the past. If, in addition to your talent, you enjoy studying the subject then you may go on to study it at higher and higher levels, perhaps eventually becoming a professional historian. The same is true of many areas of knowledge.

The study of ethics, on the other hand, concerned as it is with questions such as 'How should we act?' and 'What is right and what is wrong?', seems very different. We do not study it as a subject in its own right, we probably couldn't say if anyone was 'good' at it, and it does not offer a career! Despite this, we all have a sense of 'correct' behaviour, though it may differ from person to person, and we all say things like 'He shouldn't have done that' or 'She did the right thing.' So what do we mean by 'ethics'?

For those who believe in God, the problem may seem to have an obvious answer – to act ethically is to act in accordance with God's wishes. But many believers feel that God's wishes are far from clear, and that the holy books do not give adequate guidance in many cases (for example, does loving my neighbour mean defending him by going to war against others?). So there is a need for a way of deciding what God's will actually is in a practical sense. For many believers, attuning oneself to God's words through prayer and reflection is the answer – but few would say it is easy, or that they are always absolutely certain.

Atheists, of course, need to look elsewhere completely. Some might say that ethics is a set of socially and biologically imposed rules with the function of minimising conflict in society. If this is true then we might try to find the most effective rules possible (we certainly don't seem to have them yet). Perhaps the most radical view is that of ethics as nothing but a totally arbitrary system of rules and conventions imposed on a gullible community by those in political power. According to this way of thinking, we are all responding to social conditioning. If this is the case, the need to step back and examine our principles is even more pressing!

A Consider the following statements:

- You should hold your fork in your left hand.
- You should not waste your time.
- You should not lie.
- You should not use illegal drugs.
- You should take the first left to get to the theatre.
- You should control the money supply so as to bring down inflation.
- You should not jump a red traffic light, even if it is safe to do so.
- You should speak respectfully to teachers and parents.
- You should not drive a car recklessly.
- You should not use drugs.
- You should not engage in sexual relationships outside marriage.
- You should not steal.
- Your teachers and parents should speak respectfully to you.

B Which of the above are moral statements?

C Which of the above are pure conventions?

D Which of them should be made into legal requirements?

E What do we mean by a moral law?

We all have an intuitive feel for moral laws or standards (perhaps as opposed to legal or physical laws) and, surprisingly, there is often a good deal of agreement on these standards. Appeals to moral laws are commonplace. For example, we have all heard people arguing – they may insult each other and become abusive, but more often than not they make statements such as:

- Leave him alone – he isn't hurting anyone.
- There is a queue here – you can't just push in.
- Give me some of your chocolate – I gave you some of my juice.
- Hey, I was sitting there – that's my place.
- But you said you would help me!

These comments are interesting because they all assume something – they all appeal to some (unstated) standard of behaviour. In these cases there seems to be some notion of 'fairness' that is assumed by both sides of the argument. What is even more interesting is that the other person very rarely says, 'I don't care about the standards to which you appeal.' Instead they try to make some special excuse ('I have to push in because I have a really important meeting to go to' or 'Yes, but you had lots of juice and I only have a little chocolate') to justify their behaviour.

In other words, it seems that even people who are arguing are not arguing about the standards to which they should conform – they are arguing about how to apply those standards to a particular situation. They seem to agree on some sort of moral code; we all seem to have a sense of what this code is. The writer C. S. Lewis said that there must be, *'some sense of agreement as to what right and wrong are; just as there would be no sense in saying that a footballer had committed a foul unless there was some agreement about the rules of football'*.

At some points in the past, this rule about right and wrong would have been called a law of nature because it seems that nobody needs to be taught it – it is in everybody naturally. In his book *The Abolition of Man*, Lewis argues that, despite differences, many moral standards are shared. He asks us to imagine what a completely different morality might mean, and whether or not such a thing would be possible. Can we find a society where people are proud of cheating on their friends or where it is considered good to steal from the poor? It is hard to imagine. Differences may occur when different societies consider whom they should treat well, but they always agree that pure selfishness is a bad thing. Men have differed as to whether you should have one wife or four, but they have always agreed that you must not simply have any woman you liked.

Lewis claims that this simple observation means that moral laws exist in the same way as physical laws. He notes that whenever you find somebody who says that there is no such thing as a moral law, only arbitrary social conventions, you will find that they go back on this claim whenever it suits them. If these people, he says, break a promise to you then that is one thing, but if you break your promise to them then you'll find them complaining that it isn't fair. This means that they are appealing to certain standards of fairness which they expect everyone to agree on – otherwise what is the difference between a fair and an unfair agreement?

It is by arguments such as these that some have claimed that there are laws of human nature; that we all know them, and that morality is absolute, unchanging and constant.

A Suppose a teenager is arguing with his parents about staying out late in the evening. Is it more likely that the argument is about:

- what is a reasonable time to return
- whether or not the parent has any right to insist on a reasonable return time?

B Suppose that you come across someone about to take your watch from your desk. Is it more likely that the person will say:

- that they just wanted to borrow the watch
- that they dispute your right to own the watch.

C How do these two examples relate to the idea of 'moral rules'?

D Think about the last time you had a disagreement about right and wrong with somebody. Were you arguing about how to apply moral rules or the rules themselves?

E Do you think that Lewis is right when he claims that these rules are universal and unchanging?

Lewis is probably correct that you are more likely to hear an argument about how to apply moral codes rather than an argument about the code itself, but this may be because we are generally arguing with people who share a similar cultural background. Things may be different when we are talking to people who are from very different cultures. For most of us, our ethical beliefs are in the first instance almost entirely determined

by our parents, teachers, religious leaders, and the whole culture we grow up in. This is inevitable; young children cannot consider these complex issues, but as adults we have a responsibility to see if the reasons that we have for believing our ethical codes are good ones.

The role of reason in ethics

Ethical axioms are tested not very differently to the axioms of science. Truth is what stands the test of time.

Albert Einstein

Suppose your country is at war. Each individual needs to decide if they will fight, and possibly kill, for their country. Needless to say, there are strong disagreements about the ethics of the war, and arguments between pacifists and non-pacifists are common. For our purposes, we are interested in the types of disagreement between the two sides, and we find that there are at least two apparently separate reasons for disagreement; these are based in fact and in principle.

It may be that both sides have the aim of minimising the amount of overall suffering, but disagree as to how to achieve this goal. The non-pacifist may argue that the war will actually prevent more suffering than it causes; the pacifist may say that the war will increase the overall amount of suffering. The disagreement is about 'facts' and is open to settlement by evidence (although the evidence may be very difficult to obtain and interpret). On the other hand, it may be that the pacifist is uninterested in the overall suffering – he believes in the overriding sanctity of life and thinks that killing is wrong under any circumstances, even when it reduces suffering. If we ask him why he believes this he says, 'For the same reason as the non-pacifist wants to minimise suffering – I just think it is right.' This disagreement is of a different type; it is one based in principle, and it is hard to imagine that evidence will solve the dispute.

This distinction is very important, because arguments of principle and arguments about evidence are solved differently.

A If the disagreement is factual in nature, what facts, if they could be proven, would be likely to swing the argument in favour of:

- the pacifist
- the non-pacifist?

B If the argument were between a pro-abortionist and an anti-abortionist, both with the stated aim of reducing overall suffering, what facts, if proven, would be likely to swing the argument one way or the other?

C In either the pacifist/non-pacifist or the pro-/anti-abortion case, if the disagreement was one of principle, what evidence might help resolve the conflict?

Some people have argued that, because we can only find evidence for how to *apply* moral positions, but not for the positions themselves, morality comes down to 'just' personal opinion. If this is true then the prospects for us finding the 'correct' form of morality are bleak, and trying to persuade someone that one course of action is 'morally better' than another is like trying to persuade them that oranges taste better than apples.

But surely we can try to make some progress with these problems? In cases where we need evidence, the problems are those of the social sciences. (Are unwanted babies less likely to be happy? Are the mothers of unwanted babies made unhappy by their children when they do not have abortions?) To be sure, these are very difficult questions, but perhaps not insoluble. In the case of disputes of principle, we might ask for minimal standards of logical consistency. For example, what do we make of the pacifist in the previous case who is pro-euthanasia? Presumably, unless he is willing to change his mind on this issue, we can dismiss his argument for the sanctity of life as an inadequate defence of his principles. Similarly, if someone condemns homosexual acts on the grounds that 'they are not natural', then we can see that the consistent application of this principle would make flying or driving (or indeed chastity or contraception) immoral. On these grounds, we would not accept this principle as a reasonable one and we would seek an alternative justification for the belief.

In other words, when we think we have a justification for a course of action, we should look to see if:

- 1 there is any evidence we can collect to decide the case;
- 2 if any general principles suggested would lead us to moral conclusions which are either:
 - morally repellent (for example, some pro-abortion arguments can be applied to infants)
 - inconsistent with our other beliefs (for example, the homosexuality argument above).

If this is so, then we need to either modify our principle or accept what we initially thought was an unpalatable conclusion.

A In each of these cases, decide if the argument can be supported/refuted by empirical enquiry (finding and looking at evidence).

- 1 Counsellors should keep confidentiality – otherwise nobody will go to them for help.
- 2 Counsellors should keep confidentiality – it's a matter of respecting people's privacy.
- 3 We should tax the wealthy more than the poor – they are better able to afford it.
- 4 We should tax the wealthy more than the poor – it's the best way of generating substantial government revenue.
- 5 Euthanasia should not be allowed, or families will be pressurising elderly and inconvenient relatives to opt for it when they would rather not.

- 6 Euthanasia should not be allowed; the taking of life is wrong, even if it is your own.
- 7 Euthanasia should be allowed – we have the right to do what we want with our own bodies.
- 8 Euthanasia should be allowed – it is better to die than to live in misery.
- 9 Genetic engineering is immoral – we aren't meant to tamper with the basic machinery of life.
- 10 Genetic engineering is immoral – we would save far more lives by spending the billions currently spent on research on saving starving children in Africa.
- 11 Genetic engineering is moral – God put us here to understand and marvel at his creation.
- 12 Genetic engineering is moral – we can increase the quality of billions of lives in the future.

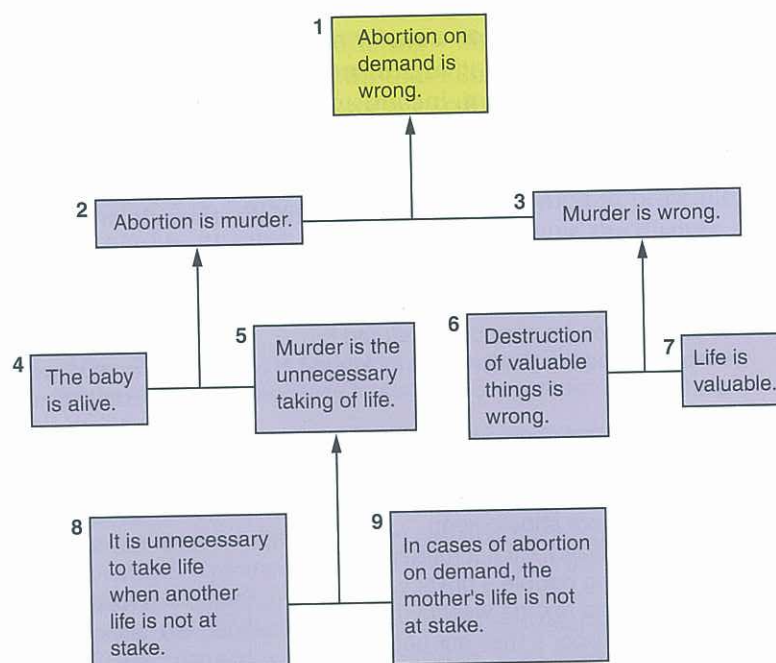


B Take the arguments that are based in principle rather than evidence. In pairs, one person should defend the principle while the other should attempt to show that it leads to unacceptable consequences, and that it should therefore be abandoned.

C It was suggested above that we can 'test' a moral principle by seeing if it leads to moral conclusions that are morally repellent. Explain why it could be argued that this is a circular argument, and decide for yourself if it is therefore possible to 'test' a moral principle or not.

So we can use reason to attempt to 'refute' an ethical argument. Let us look at this in more detail. Suppose we feel that abortion on demand (when there is no medical risk to the mother) is wrong, and that we wish to collect relevant evidence and test our principles to see if our belief is reasonable. One way of justifying our belief would be to suggest that (1) abortion is wrong because (2) abortion is murder and (3) murder is wrong. Of course, now I need to demonstrate the truth of (2) and (3), so I suggest that (2) is true because (4) the baby is alive and (5) murder occurs when a life is taken unnecessarily; (3) is true because (6) destruction of valuable things is wrong and (7) life is valuable. We might then also try to justify (4), (5), (6) and (7).

The argument can be shown diagrammatically, with the horizontal lines indicating that the statements are used in conjunction, and the arrowed lines indicating supporting reasons.



We could keep going; we could attempt to justify (4), (8), (9), (6) and (7) by going 'down' another layer and then another, and then another. But this would never end, and we have to stop somewhere. That somewhere is when we have reached the point where we believe the reasons no longer need justification – when they are 'self-evident'. You will recall that these statements are then the premises of our argument – they are the foundation on which the whole thing rests. In this case we have:

- 4 The baby is alive.
- 8 It is unnecessary to take life when another life is not at stake.
- 9 In cases of abortion on demand, the mother's life is not at stake.
- 6 Destruction of valuable things is wrong.
- 7 Life is valuable.

So are these 'obvious'? Can we take them as a reasonable platform on which to build our argument? Well, that depends on your point of view. Some may find them reasonable; others may find reason to disagree. Underlying (4) and (7) is the notion of life as a uniform quantity, but it could be argued that there is more to it than that – that an adult is 'more alive' than a baby, or that the life of an adult is more valuable than the life of a baby. This would need development to become a viable theory, but it does not seem to be out of the question – many who would otherwise oppose abortion do not do so when a pregnancy is sure to kill the mother. (7) seems to equate animal life to that of humans – it might therefore need modification (but why are we more valuable than other animals?). Even if so modified, is there a reason we think life is valuable? Is it something to do with consciousness, or the ability to suffer, or the ability to reason? If so, perhaps we can take this premise a step further. (6) is highly contentious – what if the destruction of the valuable thing saved the destruction of other more valuable things?

It may be that the anti-abortionist will examine the axioms and be content, or make minor modifications, or it may be that the argument will be seen to be flawed for empirical or theoretical reasons. If this is the case, then it may be possible to construct another argument to support (1) in a reasonable manner, or it may not. If the latter, then it would be unreasonable to hold the original belief, and further thought would be required.

A Analyse the flowchart in the abortion case above.

- Is the argument reasonable?
- Do you agree with the premises? Explain your reasons.

B Construct a flowchart to suggest that abortion is not wrong.

C In the argument above, we have started from some/all of statements (2)–(9), and hence deduced the conclusion. Is this realistic? Is this actually how people derive ethical conclusions? Might it be more accurate to say that we have an emotional leaning toward/against abortion and we try to justify our (emotionally held?) beliefs by starting from (1) and actually arguing downwards? If this is the case, is this an adequate way to argue?

D Construct flowchart arguments to suggest that the following are morally wrong and then construct arguments to suggest they are morally acceptable:

- murder
- suicide
- animal experimentation
- torture

- corporal punishment
- war
- promiscuity
- capital punishment
- racism

E Defend your argument against someone who disagrees with you. In the arguments you have constructed, do you find any premises occurring again and again? What does this suggest to you?

It should be fairly clear that our choice of premises will largely determine what sort of things we think are right and wrong. Alternatively, we might say that we choose our premises carefully, so as to justify exactly the things we already think are right and wrong and thus to provide some coherency to our belief system. (There is a curious analogy here with mathematics which, as we have seen, often starts by noticing certain 'facts' (theorems) and then works out how to justify those theorems by judicious choice of premises/axioms – see Chapter 4. As maths is widely perceived to have little to do with morality, this is perhaps surprising.) In both cases, the foundations of our ethical arguments are our premises. It follows that the choice of premises is a crucial part of any ethical theory.

Choice of premises: ethical egoism and altruism

If it be right to me, it is right.

Max Stirner

We have made a vital distinction between principle and evidence. Now we might usefully look at the evidence to see what principles are most common in directly ethical actions. Consider your own personal experiences. What principles seem to guide the way people behave?

It is immediately striking that people act in their own self-interest and they do things in pursuit of their own personal goals. In (what at least seem to be) non-moral matters, this is absolutely clear – people earn money for their own benefit and spend it on food they enjoy, clothes they like to wear and on entertainment for themselves. In matters that certainly should be moral this seems to be the case, too. We say we should tell the truth but we are probably quick to excuse ourselves a 'white lie' when the need arises because we feel it is in our own interests to lie when we want to. We would probably say that we have a moral duty to save lives if we can – yet in practice we spend money on frivolous things or leave it in the bank rather than donate it to famine relief.

We might develop these observations into a theory that suggests that it is our own long-term happiness that is important, so we should behave in a way which turns out best for us in the long run. This is the theory of **ethical egoism** (notice that 'egotist' is an insult but 'egoist' is a theory of motivation). Some argue that this is a deeply immoral position, and one that can be used to justify terrible behaviour, but this is

not necessarily the case. The philosopher Plato pointed out that ethical egoism does not suggest that stealing, cheating and dishonesty are moral behaviours, because these things wouldn't make you happier in the long term. By behaving selfishly, you will suffer fear of being caught, possibly punishment, and even in the unlikely event you achieve your goals in this way, you will enjoy the achievement far less than someone who made it there the hard way. Selfish actions will rebound on you, and in the long term you would have been better off by avoiding selfish behaviour.

- A** According to ethical egoism, it is long-term happiness that is important. Do you agree with this idea?
- B** Is ethical egoism a practical theory in terms of daily behaviour, that is, does it actually provide a guide for behaviour?
- C** Is it possible for someone to act against their own interests?
- D** Consider the rich person who gives large sums of money to charity, but says that she does so because it gives her business a good image, and so is in her long-term interests. Is this moral behaviour?

We can contrast the ideas of ethical egoism with those of **altruism**, which is based on the notion that we ought to sacrifice our own interests to those of others. Ethical egoism suggests that altruistic actions simply do not happen, but this seems to fly in the face of our everyday experience. The fact of the matter is that many people do sacrifice their own interests to help others. Don't we regard altruism, not egoism, as the highest good? Consider the case of the soldier, safe in his trench, who spots a wounded colleague in distant enemy territory. The situation is such that any rescue attempt is very dangerous, and almost certain to fail, but he goes to help in spite of the risk. He succeeds and rescues the soldier, but suffers terrible, lasting wounds in the process. Is this not an altruistic act if ever there was one?

To answer this, let us consider the possible reasons that the brave soldier might give when asked why he went to rescue his colleague:

- 1 It was my duty.
- 2 It would have been awful to let him die.
- 3 He's my friend.
- 4 He once did the same for me.
- 5 I would have felt guilty if I hadn't.
- 6 I wouldn't want anyone thinking I was too scared to do it.
- 7 I thought it would be a good way to make my name.
- 8 I wanted to be in the running for a bravery medal.
- 9 I thought, on balance, that the potential gain outweighed the risk.
- 10 I wanted to achieve a benefit for myself.

Which of these would you regard as the most moral reason for acting? The ethical egoist would suggest that it doesn't matter; 1 to 9 are merely versions of 10. In 2, for example, the 'hero' is

acting out of a desire to avoid the perceived 'awful' consequences of not acting; in 4 he is acting out of a desire to clear a debt. Similarly, we can suggest that all reasons ultimately boil down to 10.

Let's go one stage further and consider the most extreme case, where someone knowingly sacrifices their life for those of others. Let's return to our altruistic soldier. He is sitting around the fire with his fellow soldiers when a grenade lands in their midst. Without hesitation, the hero throws himself on the grenade, saving the lives of the others at the cost of his own. Surely this is altruism? Not according to the ethical egoist who argues that the soldier had nothing to lose – he was going to die anyway, and in this way he ensured that he would be remembered as a hero. So his sacrifice was in his interests. Alternatively, maybe the soldier was so desperately unhappy that the opportunity to limit his future suffering was a wonderful opportunity! Ethical egoism can explain it. However, now we are in a position to see why this theory is fatally flawed – it accounts for absolutely anything. This may appear to be a strength, but it is not. If our soldier had pushed his neighbour on the grenade, or run away, or done anything at all, we could say that he was acting in what he thought were his own interests. The theory does not exclude anything, and it therefore cannot be said to explain anything.

The root of the problem is that if we see altruism as an excellent thing then we can be egoistic by being altruistic. We can, perhaps paradoxically, sacrifice our own interests if we perceive this to be in our own interests, and this covers any conceivable course of action. In other words, it can provide no guide to action – and so seems of little use as a moral theory.

- A** Consider the example of the soldier. Is there any action which could possibly prove that ethical egoism is incorrect? Pick any other situation – can ethical egoism tell you the correct course of action?
- B** Think back to what you know about science and the concept of falsifiability. How does this apply here?

If we reject the extreme of ethical egoism, where does that leave us with regard to altruism? Although we would certainly want to take others' welfare into account, it does not seem reasonable to live totally for others. So we need to find a way of balancing our needs with those of others.

Choice of premises: utilitarianism

Obligation, I think, can be compatible with self-interest provided it leads to the greatest good for the greatest number of people.

John Stuart Mill

Even though the extremes of egoism and altruism need to be moderated, they are both based on the principle of benefit, whether for self or for others. The concept of benefit is to be broadly interpreted, and should take into account as many factors as possible; in this context we often refer to benefit as **utility**. So both altruists and egoists attempt to maximise someone's utility, and perhaps the obvious compromise is to try to maximise overall benefit, for oneself and for others. This is, in a nutshell, the theory of **utilitarianism**. It seems like a

common-sense approach, and is perhaps only a small step from the commonly held notion that we should be free to do what we want, as long as we do not harm anyone else. The problem with this, and one which utilitarianism seeks to address, is how we weigh up harm to others and benefit to ourselves.

Underlying utilitarianism is a very appealing notion of fairness (some have even said that it is a democratic theory of ethics). Utilitarianism states that we are all equally valuable – that all utility is equal; mine counts for no more than yours and it is sheer prejudice to take one's own point of view as the standard of judgement. It suggests that we should transcend our egocentric predicament and consider the welfare of everyone else as if it were our own (this idea is at the root of Christianity's 'Do unto others as you would have them do unto you'). Happiness is still the ultimate goal (so if you objected to this earlier, you may well still be unhappy with utilitarianism), but it is to be sought socially, not individually.

So how do we go about this? Faced with a number of choices, we calculate the net utility of each one, and choose the option with the biggest gain. It is simple in theory. Imagine we can measure happiness on a simple scale, with units of utils, so that +1 util is a small pleasure, but –50 utils is extremely unpleasant. Suppose, for example, that I am thinking of spending my money either on going to the cinema or giving it to a homeless person. If I go to the cinema I get a score of +5; by giving the money to the homeless person I get some satisfaction, say +3, and the homeless person also gets a score of +4.

- The egoist would go to the cinema; +5 is better than +3; the +4 is irrelevant.
 - The altruist would give the money; +4 is the only important feature.
 - The utilitarian would give the money; the +3 and +4 together outweigh the +5.
- A** In the example above, the utilitarian acts in the same way as the altruist. How would the util scores have to change so that the utilitarian would side with the egoist?
 - B** Suppose this example was a real choice. How would you go about determining the number of utils to assign to each action?
 - C** If I gave you \$50, how many utils would this be worth to you? Compare your answers with a partner. If your partner gave a different score to you and I want to give away \$50, then who should I give it to? Does this make sense?
 - D** The notion that everybody's utility is equally valid sounds like an excellent principle, but is it really the case?

As soon as we begin to ask questions like these we see that the foundation of utilitarianism is not as straightforward as it seems. To make it work I need to be able to give a score to actions, and to place them in some sort of rank scale. But is this always possible? Even if I can do this, combining and comparing scores introduces a whole host of very difficult problems. If I give my trip to the cinema a score of ten (it was a really good film!) and

the hungry beggar gives a meal a score of ten, then are they really of the same value? If the beggar finds out my score and changes his to twenty, then do we accept that as valid?

There may be valid ways of eliciting what decision-theorists call a **value function** – a meaningful ordering of alternatives – but there may not. If there is not, then we may have to retreat from a detailed calculus of utility to a broader, more general approach.

- A** Which is the better distribution of utility between five people: 20, 20, 20, 20, 20 or 1, 1, 3, 5, 90? What would the perfect utilitarian say? Might there be reasons to disagree with the pure utilitarian analysis? If so, what are they?
- B** Consider the famous fictitious 'case of Sam'. Sam is an average, normal human being. He has a few friends, but no one close, and he is unmarried. He has no living relatives. One day when he is in hospital for a regular medical check-up, it happens there are several medical emergencies occurring, and five people are going to die unless two kidneys, a liver, a heart and eight pints of blood can be found immediately. The people are all much-loved, with large families. What is the obvious utilitarian solution? Is it morally just? Explain your answer.
- C** Now imagine that one of the people threatened with death is likely to find a cure for cancer; another is central to the peace process in a war-ravaged part of the world; another is an actor whose work touches the lives of millions. Is it possible to find circumstances whereby Sam's life should, according to utilitarian principles, be forfeit?
- D** Make up an example of your own where it seems that utilitarianism leads to a terrible and unjust action. See how extreme an action you can justify via strict utilitarian principles.

Most people feel that such examples show that utilitarianism, as we have so far defined it, is flawed, running as it does against all our feelings of natural justice. This is a powerful objection and, unless one is prepared to allow Sam to be sacrificed, simple utilitarianism needs modification. One attempt to rescue the theory from these absurdities has been to require moral agents to look at the wider consequences of killing Sam and to **universalise** – that is, to consider what would happen if everyone did such actions. Perhaps doing such a thing would lead to a community where everybody lived in fear and terror. Under these circumstances, utility would not be maximised, and so killing Sam would not be the right thing to do.

- A** Look at the example you just made up in which utilitarianism seems to go against what we feel is natural justice. Can you reconcile your example to the theory by universalising in this way?
- B** How wide a view should we take? Should we consider our immediate friends, the nearby community, the state or the world, and how far into the future should we look? What are the obvious problems here?

- C** If we begin to take an extremely wide view, what implications does that have for our lifestyle compared with, say, those who have little to eat? What would the utilitarian suggest is the right thing for us to do? Is this a problem with utilitarianism or our lifestyles?
- D** Is utilitarianism compatible with principles of natural justice?

It may well have struck some of you who have been reading this that utilitarianism rather misses the whole point of ethics. We have been arguing in terms of the outcome of the actions – and so whether or not we kill Sam depends on the effect killing him has. But not killing Sam purely because it doesn't do any good overall hardly seems like a moral position! Arguably it means that we are resisting murder not because we value Sam, or place a value on his life, but only because we can't find a way of making it worthwhile to kill him. For many, this is a fundamental and irresolvable flaw with the whole theory.

The root of this problem is at the heart of utilitarianism. Saying that no act is good or bad in itself, that it all depends on the outcome of the action, is to deny the importance of intention. Consider these two cases:

- I am about to get on a train when I am mugged, and my wallet is stolen. Instead of getting on the train I go to the police, who manage to catch the mugger, and I am about to press charges when I am told that the train crashed and I would have been injured or killed. That is, the mugger actually did me a favour by mugging me. Does this make the mugging a morally correct action?
- I see a sick man lying in the street in a deserted part of town. His condition is disgusting and repellent, but I feel it is my duty to help, and I take him to hospital. On the way we are in a car accident and he is killed. Is my action therefore immoral?
- A** What would the strict utilitarian say about the two cases above? What do you think?
- B** Can we modify utilitarianism to cope with the problem?

So what do we make of utilitarianism as a theory? One strength is that it recognises the need to view the world from the point of view of others. Another strength is that by basing itself on outcomes it attempts to offer clear guidelines for action. However, there are practical and logical difficulties in implementing anything like a strict utilitarian approach, and it is certainly worth considering other possible approaches which address some of the weaknesses.

Choice of premises: moral duty

Based as it is on happiness, utilitarianism is founded on the importance of our desires. For some, this is not a likely path to moral behaviour, as our desires are often impulsive, selfish and unreasonable. Many of the problems in the world are a result of people paying too much attention to their desires and not enough to other factors.

Make it a point to do something every day that you don't want to do.

Mark Twain

A strong contender for inclusion in any moral theory is the concept of **intention**. Simple utilitarianism makes no mention of it, but we instinctively take a rather dim moral view of someone who tries to do great evil but fails, even though there are no bad consequences. It seems that outcome alone is insufficient grounds for judging an action; the intention of the participants is key. (Interestingly, this is reflected in many legal systems where a *mens rea* ('guilty mind') is required in addition to an *actus reus* ('guilty action') for a crime to have been committed. The presence of the *mens rea* distinguishes between, for example, murder and manslaughter.)

The idea of intention seems rooted in common sense. Suppose, for example, that I offer to lend a friend my car. If I do so in the hope of reward, then you would not say that I was acting morally. A harder case to judge is the one where I lend the car because I like my friend. Is this a moral action? It certainly seems friendly and 'nice', but then so is smiling at your neighbour, and that is hardly a moral action! It has been argued, most famously by the philosopher Kant, that lending the car to a friend in this way is not a moral action. If I wanted to do it, if it was my desire to do so, then I was acting purely in my own interests, and (ethical egoists aside) few of us would want to say that such an action is moral. Kant goes so far as to say that any action based in mere feelings cannot be a moral action.

This straightforward notion leads us to the idea of **moral duty** as a legitimate motive for action. There are times when we know what we should do and, irrespective of our feelings one way or another, the ethical action is clear. Suppose, for example, that my elderly parents need me to give them a large part of my salary each month so that they can afford to live reasonably comfortably. If I am paid enough so that I am not going to go hungry (and perhaps even then), then surely I have a moral duty to provide for them? I may not find it a very appealing prospect, and I may be reluctant to give up holidays or other things I value, but my duty is clear. Of course, I may actually be very enthusiastic about repaying my debt to my parents, but that is irrelevant. The point is whether or not I follow my sense of duty.

- A** Think of some situations where you would argue that intention is more important than outcome, or vice versa. Must intention play an important part in ethical theory?
- B** What do you think about Kant's rejection of desire as a basis of morality? Justify your answer carefully, giving examples where relevant.
- C** Kant claims that helping our friend because we like him is not a moral action. Do you agree?
- D** What would Kant say about the person who, seeing a sick person, was overcome with pity and went over to help them?

The idea of moral duty may sound very noble, but it needs to be scrutinised carefully. I am reminded of phrases such as 'Do your duty' which, in the mouths of the unscrupulous, really means 'Do as I tell you without question.' The concept of duty is a

useless one unless it clarifies the way we should act. So what are our moral duties? Where do these impulses come from? Are they universal and unchanging, as C. S. Lewis argued earlier? Or do they change from culture to culture, and from time to time?

The danger here is that we answer these questions with reference to other schools of ethical thought. This is dangerous because we may end up following these schools of thought rather than trying to develop fully the duty theory. For example, if we say that our duty is to cause the greatest good for the greatest number then we are really just being utilitarian, and so we have gained nothing from the idea of moral duties. In order to clarify the idea, we need to avoid all other schools of ethical thought (which seems like a tall order!).

One philosopher who did manage to answer the question about what our duties are was Kant. In order to judge an act, he asks us to consider what principle governs the act, and then to imagine what would happen if everybody obeyed the principle. So far so good, but then Kant says that we judge if the action is good not by seeing if good effects are produced overall (this would be the same as utilitarianism) but by seeing if a **consistent world** is produced. To make it clear, consider the friend who asks if he can borrow my car. If I lend the car then the principle might be 'it is good to help friends when they ask,' and it is perfectly easy to imagine everyone in the world obeying this (notice I am not appealing to 'good' outcomes at all). So Kant would not forbid the lending of the car on moral grounds. On the other hand, suppose I have the urge to kill or lie or steal. If I generalise the principle 'you should kill/steal' then in the case of killing, after a brief period there will be no one left to carry it out; in the case of lying it is impossible to even state the law morally (since you should lie all the time). Thus it is unreasonable to generalise the principles governing your actions, and thus the actions are immoral. Kant called this notion the categorical imperative, and he stated it thus: '*Act only according to that maxim by which you can at the same time will that it should become a universal law.*'

- A** Think of a few cases where the concept of moral duty makes the moral course of action clear.
- B** Are there situations where the concept of moral duty is of no help?
- C** Try to apply Kant's reasoning to abortion, euthanasia, war, promiscuity, suicide and racism. Does his method come up with answers with which you feel comfortable?
- D** Explain Kant's thoughts on duty. What do you think about the insistence on a consistent world? What role does this give reason in ethics? Do you agree?
- E** Kant uses the idea of *intention* in an interesting way – he says that an action cannot be moral if you want to do it. This would mean that acting out of compassion for another human being, or out of love and desire to help someone, would not be ethical actions. Do you agree?

Moral wisdom seems to be as little connected to knowledge of ethical theory as playing good tennis is to knowledge of physics.

Emrys Westacott

Reason reappraised

In this chapter so far we have placed a very high premium on reason as the appropriate way of knowing; this seems appropriate if we are to engage in a critical evaluation of theories of 'the good life'. It could be argued, however, that placing reason absolutely centre-stage and subordinating everything to rational consistency, as Kant did in the previous section, is getting rather extreme. It may be time to reassess the role of reason in general.

Let's leave the theories for a moment and get back to basics by looking at an everyday case study. Consider a simple but very common question. Should I tell someone (Pat) something that I have found out about someone else (Alex): for example, that Alex has a drinking problem, is having arguments with his partner, or has been reprimanded at work? This is an ethical decision and there are a number of factors to consider:

- My relationship with Pat (it is quite different if Pat is a friend, colleague, relative, spouse...)
- My relationship with Alex
- The relationship between Pat and Alex
- The exact nature of the information I have
- What I think Pat's wishes might be (and how confident I am that I have got this right)
- What I think Alex's wishes might be (and how confident I am that I have got this right)
- My assessment of what Pat might do with the information
- How I came by the information (was I sworn to secrecy, or told it on the assumption that I would stay quiet?)
- My motives (do I want to help or hurt Pat and/or Alex?)
- The likely consequences of my telling (will Pat tell other people? Will he tell them that I told him? Will Alex suffer if the information is public? Will I suffer if it is known that I talk about these things?)
- Alex's expectation about my behaviour
- Alex's right to privacy
- The prevailing cultural attitudes towards relationships, privacy and gossip

Each of these factors is complex, and they are all densely intertwined and contingent on each other. For example if Pat or Alex are strangers, spouses, relatives or colleagues, the whole tone of the issue changes. I also somehow have to take into account the probability that I might be wrong to a greater or lesser degree in my judgements, and the likely outcomes (and their probabilities) if I am indeed wrong. Given these complications, you can see why some have claimed that reducing morals to simple deductive arguments or general principles is not a helpful approach; things are just too difficult for such a simple method. Others argue that it is exactly because ethics can be complicated that there is all the more reason to seek guiding principles.

A Consider the cases below and list all the factors that might come into play:

- 1 You see a young woman shoplifting in a supermarket. You are considering taking some action.
- 2 In a group of friends some racist, sexist or homophobic jokes are made; you could confront them.
- 3 An elderly man is in a coma and kept alive by a life-support machine. His family are considering whether to turn the machine off.
- 4 A 16-year-old is pregnant and is considering having an abortion.

B In each case, how would you balance all the factors to come to the 'correct' conclusion?

C The physical world is an enormously complex place, but physicists make a great deal of progress by adopting certain simplifying assumptions like ignoring air-resistance, pretending that surfaces are smooth, that gravity does not depend on height and so on. If such simplifications are possible in the natural sciences, why not in ethics?

Aristotle wrote about the matter in terms of **phronesis**, or 'practical wisdom', by which he meant the ability to exercise moral intelligence at an intuitive level or to negotiate complex problems remarkably quickly. We might compare it to the ability to, say, see in a split-second the path of a ball that has been thrown at us. In neither case do we get it right every time but nor are we ever too far wrong. And, referring back to the first section in this chapter, it is interesting to see that we do expect everyone to exercise a basic level of 'moral competence', regardless of their background, education or intelligence. Of course intuition is not without its problems, as we have seen, and we should not just accept it at face value, but it would be foolish to deny that it does play a role. Philosopher Stephen Toulmin takes this to suggest that the rational theories are not going to give us the answers we want, and we should stick with individual cases. He cites the case of the US National Commission for the Protection of Human Research Subjects in the 1970s. The Commission had 'near-total agreement' about practical action in particular cases, while its members could not achieve consensus about the moral principles on which their specific recommendations were supposedly based! This is quite remarkable – there was near-total agreement on what to do, but not on why to do it! Toulmin argues that this points to a fundamental flaw in the approach we have so far taken, which he characterises as a 'theory-driven' approach which seeks to establish general principles and then to apply them to particular circumstances. He suggests we discard this in favour of a 'case-study' approach, whereby we discuss particular situations and consider our actions (perhaps informed by certain virtues or feelings such as intuition or compassion) and *then* form general conclusions.

- A** What do you think are the strengths and weaknesses of the 'theory-driven' and 'case-study' approaches?
- B** We might argue that the theory-driven approach mirrors *deductive* logic and the case-study approach mirrors *inductive* logic. What does this tell us about the strengths and weaknesses of each?
- C** Toulmin argues that the case-study approach is preferable to the theory-driven one. Do you agree?

Of course we do not have to choose either approach (it's a logical fallacy to think there can only ever be two options), and some philosophers have argued for a 'reflective equilibrium' which involves constantly balancing judgements and principles with the demands made by new circumstances. Reflective equilibrium means we recognise that our rules are likely to be limited and that we may need to modify them in the face of a moral dilemma. New situations may demand new answers and new theories. This approach is attractive to many who suggest we abandon the search for absolute, final and inviolable 'rules' and recognise that advances in, for example, medical sciences, have far outstripped our ethical capacities to deal with them. Perhaps cloning, genetic modification, abortion and euthanasia all pose such difficult problems because they simply do not fit into the ethical categories that we have developed over the ages. Proponents of this view argue that we will need a great deal of time and this process of 'reflective equilibrium' to come to any conclusions.

There is another, perhaps deeper, problem too: one that we have seen before. In using a reasoned approach to ethics, we have to acknowledge that reason alone can never motivate action. Put in the terms of the approach in this and the previous chapter, we need to start with some premises, but these, by definition, are unsupported by reason. David Hume famously pointed out the problem in the seventeenth century when he wrote '*'Tis not contrary to reason to prefer the destruction of the whole world to the scratching of my finger.'*' What he means is not that the destruction of the whole world would be a good thing, but that the reasons for his belief that it would be a bad thing are at root emotional rather than rational, because at some point in his chain of reasoning he appeals to emotion to justify his premises. And, he argues, this is no bad thing. In a much-misquoted sentence he says '*Reason is, and ought only to be the slave of the passions, and can never pretend to any other office than to serve and obey them*' and he is pointing to the need to base reason on emotion at some point.

In this section we have seen two important problems with any reasoned approach to ethics. Whether or not you agree with either the idea of abandoning the search for general theories, or the inability of reason to motivate ethics, it is intriguing that people can agree how to act in specific cases while having no agreement on principles. This certainly suggests that we have so far missed something in our search for ethical 'truth'; and perhaps we need to widen the terms of our search.

The role of emotion in ethics

The first step in the evolution of ethics is a sense of solidarity with other human beings.

Albert Schweitzer

Philosopher Philippa Foot tells a disturbing true story. During the Second World War a Norwegian couple took in a Jewish child who had been sent from Prague to Norway in order to escape the Nazis. She presumes that the couple was trying to do 'the right thing' in taking this child as their own, and asks what motives we can ascribe to them. Perhaps as good utilitarians they weighed up all the possible costs and benefits and decided that there would be a net gain of happiness; or perhaps they were following their moral duty; they didn't really want to take the child but felt that they should. Foot argues that both of these scenarios simply miss the point about moral decisions; that these reasoned and calculated approaches do not factor in what happens in real life, where the really *moral* decision would be based in sheer compassion for the child; that is, in raw emotion. This is forcefully illustrated by the chilling conclusion to the story; when the Germans invaded Norway they ordered that all Jews were turned over to them. The couple thought long and hard and decided that their *moral duty* was to obey the authorities; they therefore handed over the child who later died in a concentration camp. Foot argues the couple had let their sense of moral duty overcome their sense of compassion; they had thought too hard and let reason get in the way when a basic human response would have been a better one.

Once the issue has been made as vividly real as this, the motivation for a different approach is clear. Historically, philosophers have tended to concentrate on theories of right *action* and on abstractions such as 'duty', 'justice', 'fairness' and 'equality', but perhaps these need to be replaced, or at least complemented by, an emphasis on *character* or *virtue* and on more emotional ideas such as 'compassion', 'love' and 'empathy'. Recently feminist philosophers (who have not all been female) have suggested that most of the 'historical' philosophers have been men, hence perhaps the 'male' pre-disposition to action and abstraction. Women, it has been argued, tend to think more in terms of character, empathy and emotional engagement, and a feminist approach might move away from a rather sterile reason-based ethics to a more fertile, dynamic approach grounded, at least to some extent, in human psychology. Whether or not this is true it is certainly a fruitful avenue to explore.

- A** We can characterise the two approaches as concerned with either 'What makes an action good?' or 'What kind of character is it good to have?' Are the two approaches distinct? If so, which question is more fundamental?
- B** Does or should gender play any role here?

The notion that character (rather than outcome or duty) can matter seems to be reflected in the idea of intention as an important factor in moral decisions, and this **virtue ethics** approach is an old one. Virtue ethics can be defined as a set of philosophies that hold that the moral life should be concerned

with cultivating a virtuous character, as opposed to following rules of action. That means that a decision can be moral even if the outcome is a 'bad' one, and irrespective of ideas such as 'duty'. Virtue theorists believe that moral judgements are emotional responses to the world around us, and suggest that we should focus on the virtues which lead to what Aristotle called *eudaimonia* – which translates as, roughly, 'human flourishing'. This may sound suspiciously like utilitarianism – as if *eudaimonia* is simply utility in another guise. But this is missing the point; virtue theorists stress that thinking, feeling and acting should be *harmoniously* merged, so the successful virtue ethicist does not calculate utility, but does what he wants, because for him there is no distinction between 'I want to...' and 'I ought to...'. This echoes modern psychotherapeutic approaches that focus on resolving inner conflicts and on producing a balanced and integrated person.

Collapsing 'I ought to...' into 'I want to...' and seeking *eudaimonia* and individual states of mind may sound very subjective but, even though virtue ethics is concerned with emotions, it still retains a claim to objectivity. For example, a sick drug-addict looking for his next fix may claim to be happy, and argue (perhaps correctly) that only he can be the judge of his own happiness, but we can still say that he is not 'flourishing', in that he is not healthy, not 'really' happy and not likely to live a 'complete' and 'truly satisfying' life. I have used quote marks because there are obvious problems with these value-laden words, but I think we can sometimes stand by such judgements without too much worry. For example, we really can talk about a dog which is flourishing – shiny coat, good teeth, affectionate, active, interested in its surroundings, well fed and so on. It is flourishing, in a canine sense, compared with a hungry, flea-ridden, anti-social, sick dog that only wants to lie down and sleep. Now if the same can be said of humans – that there really is a good life, a flourishing life – then what would it be? Whatever it is, it is the sort of life we should be living, and we can define our ethical values in accordance with this *eudaimonia* – what leads to it is good; what leads away from it is bad.

- A** The suggestion is that virtues such as kindness, trustworthiness, courage, temperance and charity are likely to lead to *eudaimonia*. Go back to the situations on page 141 and see if these virtues can be used to help find a moral action.
- B** Is *eudaimonia* an emotion? What is the relationship between the two concepts?
- C** Do you think the idea of *eudaimonia* is a valid one? If so, does it hold across different cultures and different ages? Or can there be significantly different types of *eudaimonia*?
- D** What sorts of characteristics do you think might lead to *eudaimonia*?

The final question above is the real challenge for the virtue ethicist; what virtues are the ones that are valuable and likely to lead to *eudaimonia*? Aristotle listed things like kindness, trustworthiness, courage, temperance and charity, and we can

see that these stress doing the right thing for the right reasons *and* having one's heart in the right place – that is, they imply the need to respond appropriately at an emotional level. Hume and others have stressed the underlying virtues of sympathy and empathy – whereby we put ourselves in the position of others and imagine or feel what they feel. This is an interesting approach, and the idea that we start with some recognition and appreciation of the feelings of others is an attractive one echoed in many ethical systems (the golden rule – do unto others as you would have done unto yourself). We have seen the same idea in the guise of emotional intelligence, and perhaps there is no better recommendation for an idea than that it turns up so positively in many different contexts, cultures and ages.

Albert Schweitzer's quote at the start of this section sums up the basis of the approach very well, and it is hard to imagine that people who carry out atrocities could do so if their empathic facilities were not sadly lacking. Could anyone torture someone for whom they felt any virtuous emotional connection? Could genocide be imaginable except when one race or group has been de-humanised in some way? Some people say not and have even argued that *all* immoral actions are simply failures of imagination. In his novel *In the Company of Cheerful Ladies* Alexander McCall Smith's heroine Mma Ramotswe muses on this very issue:

It was difficult for Mma Ramotswe to imagine how anyone could steal from another, or do any of the things which one read about in the Botswana Daily News court reports. The only explanation was that people who did that sort of thing had no understanding of what others felt; they simply did not understand. If you knew what it was like to be another person, then how could you possibly do something which would cause pain?

If this is correct, and compassion and empathy are vital, we can see why great art may have a moral dimension; a play, novel or poem might lead us to feel the concerns of someone from a different time, place or culture as if they were our own. In this sense perhaps the arts give us the most important knowledge of all. Philosopher Martha Nussbaum's view, which we have seen earlier, is worth repeating here:

Broad as our education may be, compassion remains narrow and unreliable. We have never lived enough. Our experience is, without fiction, too confined and too parochial. Literature extends it, makes us reflect and feel about what might otherwise be too distant for feeling. The importance for morals and politics cannot be overestimated.

- A** It has been suggested that the following may be *virtues* in that they are likely to lead to *eudaimonia*: kindness, trustworthiness, courage, temperance, charity, sympathy and empathy. Is this correct? And are these emotions?
- B** How should emotion and feeling affect one's moral reasoning and ethical reflection?
- C** Can the arts help one lead a moral life by stimulating the compassionate emotions?

We have seen that virtue ethics looks at the *sort of person* that it is 'good' to be, and that a popular vision is one of treating others as we would like to be treated ourselves, turning the other cheek, pity for the less fortunate and so on. You might notice that these are virtues that are closely related to religious viewpoints but that these virtues are by no means limited to religious believers; many non-believers would espouse the same values. Now you might take this broad appeal as evidence of the truth, or at least the wisdom, of religion – but alternatively you could instead ask why non-believers should go along with the ethics of a religion in which they don't believe. This is precisely what Nietzsche meant when he asked 'If God is dead, how should we live?'

Nietzsche's answer to this question is a radical version of virtue ethics, one that rejects solidarity with others and actually despises many of the traditional virtues such as pity and compassion; it sees them as worthy of contempt – as vices, in fact. Nietzsche argues for strength, self-reliance and indifference to the needs of others. An analogy helps us to understand this approach to ethics; imagine a lion out in the savannah, living according to its ability – hunting and killing to eat, or going hungry if it cannot. It does as it will; it fights when angry, sleeps when tired. Now imagine the same lion caught, taken to the zoo and, over a period of years, tamed. Somehow it is taught not to kill but to wait for the food from the keepers. It knows it will be punished if it shows aggression, so it is passive; and it sleeps according to the artificial lights in the zoo – which is convenient for the visitors to the zoo, even if the lion doesn't realise it.

Now admittedly this is a loaded analogy, but you can see the point. Nietzsche argues that humans have the potential for greatness, glory, exuberance and vitality, but that most of us are caged by social convention and by our own pettiness. We are pale shadows of what we could be and, worst of all, for the most part we aren't even aware that we have this latent strength and power, but live out our lives following some artificial, false and worthless set of socially imposed values. He claims that we have caged ourselves, often by pretending that we 'have to' do things, that we 'have duties' and so on – that is, by appealing to conventional moral systems, which are simply societies' ways of maintaining traditional power structures. Nietzsche's ultimate moral heroes – the famous *Übermensch* or *supermen* – see beyond these restrictions and refuse to accept them; they reject conventional morality and in this sense live 'beyond good and evil'. Like the free lions they live uninhibited and powerful lives. They are indifferent to the needs of the weak, and in the pursuit of glory would not hesitate to sweep them away if the need arose; and they would be 'right' to do so (at least to the extent that the term would apply to them, which might not be very much). These supermen are figures of exuberant *puissance* and rare individuality, who have 'overcome' their own weaknesses, who are no longer slaves to reason, pity or other people, and whose *will to power* (Nietzsche's term) is all consuming.

This sounds to some like a complete lack of morality, and Nietzsche has certainly been interpreted as advocating a 'might is right' approach. Others find much to admire in the

uncompromising and relentless determination to be as much as one can be without being seduced by the transitory values of one's time. Perhaps what is most attractive is the emphasis on 'largeness of soul' and 'nobility', on the cultivating of an *élan vital*. If you wanted to stress the similarities with the familiar you might focus on magnanimity, honesty with oneself, good-naturedness, gift-giving generosity, tolerance and joy. Nevertheless, the superman's blend of contempt, indifference, pride and egoism also make him an unusual object of moral theory.

- A** What do you think Nietzsche would have made of Mma Ramotswa's sentiment quoted on page 145?
- B** Compare Nietzsche's view of *eudaimonia* with Aristotle's. Which appeals more and on what grounds?
- C** Nietzsche did not make the lion analogy presented above. Would you say it is persuasive?
- D** The superman is 'above' reason, passion, pity and other people. What does this leave him in making judgements?
- E** Are there historical or contemporary figures you admire? Do you think they are like Nietzsche's superman?

Does this help us make moral decisions?

*You are free to choose,
that is, invent.*

Jean-Paul Sartre

We have seen utilitarian, duty-based and virtue-based theories of ethics; these rely on reason and emotion to differing degrees. Each system seems to have problems and, despite the realms of profound books to which we could turn, we might have the sneaking suspicion that any system will present severe difficulties, and that a totally compelling theory may be extremely difficult to find. To be fair, some people find that one theory or another is powerful enough for them, but this is not an area where thinkers tend to converge, and there are some problems facing all the traditional ethical systems. So is any one system adequate?

Philosopher Daniel Dennett has suggested that it may be helpful to think in terms of a 'moral first aid kit'. Just as a medical first aid kit contains bandages, pills and plasters, so we can draw on various moral medicines when we need them. Thus if we are interested in how to deal with keeping or breaking promises, and issues like adultery, we might pick a Kantian duty-based remedy, but we might turn to utilitarianism when we have to decide how best to allocate finite resources. Of course the analogy cannot be taken too far – no doctor would prescribe a bandage for a sore throat; it's the wrong remedy – but by picking one moral theory over another we may be guilty of doing exactly that in the ethical arena. How can we know that one theory is more appropriate than another for a specific case? What grounds can we have for choosing one theory over another? The danger is that we simply choose the theory that gives us the answer we

want to hear – but there's something rather dishonest about this. We might try to develop a higher-level theory that tells us which of the three approaches to take under different circumstances; but you can imagine that we might find a number of such higher-level theories and that we would then face the same problem one step further removed from the practical issue.

- A** Consider the cases on page 141. Which of the three theories of ethics (utilitarian, duty-based and virtue-based) seems to be most applicable to you in each situation?
- B** On what grounds do you justify your answers to the previous question?

The influential French philosopher John-Paul Sartre explained a closely related problem with regard to the real case of a young man during the German occupation of France. The young man wanted to leave for England and join the French resistance but did not want to leave his mother alone. How is he to make his choice? Sartre points out that virtue ethicists have a difficult decision because the young man must trade off kindness to his mother with courage in fighting for his country. Utilitarians cannot decide – for how can the young man weigh up the specific and tangible benefit to his mother if he stays against the vague and abstract benefit to France if he goes? And Kant's categorical imperative is no guide – either universalised principle ('everyone should leave to fight in the resistance' or 'everyone should look after his or her parents') seems consistent and plausible.

When Sartre said '*No general ethics can show you what is to be done; there are no omens in the world*' he meant that when we have a moral conflict no moral theory will provide a reliable guide to behaviour.

- A** What would you do under the circumstances Sartre describes? How would you justify your decision? How would you counter someone who argues that you made the wrong decision?
- B** Is it possible to resolve the case of the young man in Sartre's example?
- C** Is Sartre right? Is it impossible to find a moral theory that will tell us what is the right thing to do under all circumstances?
- D** If Sartre is correct, where does this leave us in a search for moral guidance?

This critique of ethical systems focuses on our uniqueness as human individuals and the complexity of circumstances in which we can find ourselves. It stresses the primacy of **freedom**; we are free to choose, and unless we are dishonest with ourselves (when Sartre would say we are 'acting in bad faith') we are forced to acknowledge that brute fact. This way of thinking makes up part of the group of philosophies termed **existentialism**, and provides a radically different approach to living and being in the world. Existentialism stresses the fact that we have to make choices, but that we have no ultimate rational or emotional guidelines on which to make them. At this point

there are two options; the religious existentialists such as Kierkegaard look to prayer for guidance, while others look to themselves. In both cases the choices are difficult ones – and Kierkegaard's seminal work *Fear and Trembling* movingly and vividly describes how he feels in his prayer. It is important to note that existentialism does not equate freedom with a licence to do as we please; Sartre is very clear that with our over-riding freedom comes an over-riding responsibility to act freely and morally.

- A** Choose a case from page 141. Imagine a debate between a utilitarian, a duty-based ethicist and a virtue theorist:

■ Utilitarian:	We should do what will cause the greatest net good.
■ Duty-based ethicist:	We should follow our duty.
■ Virtue theorist:	We should cultivate the virtues and follow their guidance.

How would a neutral observer arbitrate between the theories?

- B** If we are free to choose our actions, what responsibility does this place on us?
- C** Some may see the freedom as liberating, others as extremely scary. Sartre himself says that we find that we are free, but that we have no choice about it – he writes that '*the truth is like finding you are free but free in a prison*' and about the '*anxiety*' of freedom. What do you think he meant when he said that we are '*condemned to be free*'?

Where does this leave us? Adrift in the universe without a moral compass? Some have felt so, and perhaps those thinkers would describe their prevailing attitude as absurdism, whereby there is no moral basis for passing judgement. So perhaps we should just sit back and enjoy the show. But, on the other hand, perhaps this is asking too much of any moral theory. Maybe Sartre was right when he said that a theory never makes moral judgements, only humans do – and maybe to get hung up on theories is to misunderstand the role they play in our lives. Theories are there as guidebooks, not rule books; they can tell us the direction but we must choose the path. Rather than seek to construct an axiomatic system we should be looking for a way to construct meaning for ourselves. Whether we do this by turning to God or to philosophy, as long as we do not expect it to be too easy, we will not be disappointed.

- A** Write the previous paragraph in your own words.
- B** What should we look for in a moral system? What roles should reason and emotion play?
- C** How should we live?

Where do we go from here?

The issues we have considered have been largely to do with individuals' moral choices. In this sense we are studying how people behave, and we might usefully expand our focus to encompass not just moral but also other aspects of human behaviour. In each case we find that we can distinguish between how people *do* behave and how we think they *should* behave; thus as we turn to the human sciences we find an interesting mix of natural sciences and values.

Further reading

Introductions to philosophy tend to have good sections on ethics, though the going can quickly get very tough. Recommended introductions are Thomas Nagel's *What Does It All Mean?* (Oxford University Press, 1987) Chapter 7, or John Hospers's *Introduction to Philosophical Analysis* (Prentice Hall, 1953) Chapter 8 or Donald Palmer's *Does the Centre Hold?* (Mayfield, 1991) Chapters 7 and 8. For a more detailed look J. L. Mackie's *Ethics: Inventing Right and Wrong* (Penguin, 1977) is comprehensive but rather laborious. For a move away from reasoning you could try Stephen Toulmin's *Return to Reason* (Harvard University Press, 2001) or Philippa Foot's *Virtue and Vices* (Clarendon Press, 2002). Would-be existentialists (and indeed anyone wanting a gripping read) can find the best bits of Kierkegaard's fabulous *Fear and Trembling* at <http://www.ccel.org/k/kierkegaard/selections/trembling.htm>

Excellent studies are Jonathan Glover's *Causing Death and Saving Lives* (Pelican, 1977) and John Harris' *The Value of Life* (Routledge and Kegan Paul, 1985) and *Violence and Responsibility* (Routledge and Kegan Paul, 1988). Tom L. Beauchamp and James F. Childress' classic *Principles of Biomedical Ethics* (Oxford University Press, 2001) is excellent – but perhaps not for the casual reader.

Resource file

Euthanasia: should it be legalised?

An extract from *Pros and Cons*:

A Debater's Handbook by Michael Jacobson.

PRO: i) We put animals 'out of their misery' rather than let them suffer intolerable pain, yet we refuse the same merciful release to our fellow man. In spite of all that modern medicine and surgery can do to prevent disease, or abate it, many human beings still end their days by a slow and often agonising illness. Provided that strict legal precautions were observed (particularly regarding the crucial question of consent), a doctor should have the right to give an overdose of morphine to a patient who would otherwise die a lingering and painful death.

CON: i) A doctor cannot draw up a list of diseases which are invariably fatal. A steadily increasing proportion of cancer sufferers, until recently doomed, can now be cured. People with heart disease may live long and useful lives. It is impossible to make hard and fast rules when medical science is in a state of continual change and progress. The doctor's duty is to maintain life as long as possible by every means in his power.

PRO: ii) Although it may not be possible to draw up a list of diseases that are always incurable, a point comes in each individual case where a doctor knows whether a patient is beyond hope or not. The patient himself should be the best judge of whether life has become, for him/her, intolerable. If he/she wishes for release from suffering, it should not be denied. In Britain, suicide ceased to be a crime in 1961. Logically, euthanasia is merely a further step along this merciful path. The number of people recorded as committing suicide in Britain varies very little – averaging around 4200 a year. It may be doubted whether the number of patients seeking euthanasia would be anything like as much as even this relatively low total.

CON: ii) This argument is tantamount to a plea for the legalisation of suicide. If physical suffering is a valid excuse for cutting life short, then why not other forms of suffering? Unless a patient were aware of his condition, and deliberately asked for euthanasia, it would be an act of intolerable cruelty to let him/her know that such a measure was being considered. A request of euthanasia might easily be due to temporary depression; a person in great pain is not always responsible for his/her utterances. It is familiar ground that a high proportion of suicides are people who are 'calling for help' and do not really (in their subconscious minds) intend to kill themselves, but who go too far. Among those requesting euthanasia, the risk of irreversible error would be even greater.

PRO: iii) If the patient is unaware of the hopelessness of his/her condition, the decision should be taken out of his/her hands. The family doctor would know best, but to avoid any risk or error of judgement on his part, there should be consultations with a specially qualified medical assessor. If the doctors were in agreement that euthanasia was desirable, the final decision might then rest with the patient's relatives.

CON: iii) Doctors do not always correctly estimate a patient's recuperative powers and should not be saddled with the responsibility of making what is, in effect, a decision to murder. It could also be an impossibly heavy burden for relatives to have to be the final arbiters in cutting short the life of one linked to them by blood and affection. On the other hand, a legalised euthanasia would be a ready-made weapon for unscrupulous relatives, which no amount of legal precaution could adequately guard against.

PRO: iv) If we are to call it murder to take a patient's life with his/her consent, then we must call it theft to take his/her property with his/her consent, which is absurd. As for pain, no doubt it has its uses, if only as a danger signal. But not many of us would go on enduring a pain we could avoid. And none but a fanatic would advocate the cessation of human effort to alleviate or abolish pain.

CON: iv) Many religions teach that it is wrong to take a human life. Moreover, it is possible that pain itself has a significant place in the scheme of evolution and serves some mysterious moral purpose. A civilisation based on a high conception of the value of human life cannot countenance the deliberate taking of life where no crime has been committed by the sufferer. A large number of people supported the abolition of capital punishment in Britain, even for murder cases, and there was a far better case for it than for euthanasia.

PRO: v) In practice, 'mercy killings' by relatives have usually been treated with understanding and a measure of leniency in the courts. Even in the past, few of the culprits were sentenced to death, and the sentence was almost never carried out. Many unfortunate people are born who have no hope of ever leading a normal life or of being anything but a tragic liability to their families. Such people should not be forced to enter on a travesty of life, much less continue it.

CON: v) The danger of such cheapening of the respect for human life was seen under the Nazis, who had millions of people put to death for imaginary 'racial defects'. It is better that a few should suffer unwanted life than that the door should be opened, even to the slightest extent, to such ruthless practices.

The death penalty: should it be brought back?

An extract from *Pros and Cons:*
A Debater's Handbook by Michael Jacobson.

This article was published in 1987 in the UK where there is no death penalty.

PRO: i) Experience since its abolition has proved that the death penalty is a stern, though regrettable, necessity. Without it our lives and property have become less secure and crimes of violence have increased. In the present unsettled state of the world, its return is becoming more, not less, necessary. The police say that now criminals do not have to fear hanging, the numbers who carry guns when committing robberies or other crimes have risen enormously.

CON: i) The death penalty is an anachronism in the modern penal code. It is a relic of an age when all punishments were savage and vindictive and will be regarded by our successors with the same horror with which we now regard the hanging of little children for theft. Up to the early part of the nineteenth century, the death penalty could be, and was, inflicted for more than 200 different offences. Hanging is now recognised to be a revolting and cruel punishment. Its abolition was a major step towards our claim to be more civilised.

PRO: ii) The death penalty should be used to rid society of its enemies, instead of keeping them for the remainder of their lives as a perpetual charge on the public purse. Some of the countries which have virtually ceased to carry out the death penalty, e.g. France, have since found it necessary to draw back from its complete legal abolition.

CON: ii) The death penalty is not an effective deterrent. In fact the statistics of crime in all countries prove that violent punishment does not tend to bring about a decrease in violent crime. In spite of the death penalty, the average numbers of murders in Britain each year remained almost stationary for half a century – and the annual total (London had 204 murders in 1984 and 187 in 1985) has continued to be virtually static as well since the death penalty was abolished.

PRO: iii) The reformation and re-education of some types of criminal may be possible, and it is recognised that a high proportion of those convicted of 'unlawful killing' are 'one-off cases', not normally involved in serious crime; but a hardened murderer is beyond hope of reform. Are we to allow such people, ready to kill without compunction not once but several times, to live and return to society as a source of danger to their fellows on expiry of their sentences (even a life sentence may, in practice, sometimes amount to little more than 10–12 years)?

CON: iii) Out of about thirty countries that have abolished the death penalty, not one has reported any increase in murders, and several have reported decreases. A penal code based on the idea of education and

reformation is much more likely to reduce the amount of crime. In the USA, neither the recent few years without executions nor the resumed implementation of the death penalty in several states has had any appreciable effect, one way or the other, on the already horrific murder rate (New York alone had 1392 murders in 1985). It is the tide of violent crimes that has continued to increase, not the number of murders, as such.

PRO: iv) If there is the slightest doubt in the minds of the jury, a verdict of guilty is not returned. Despite public concern over the possibility of mistakes, only one wrongful conviction and execution (that of Timothy Evans) is known out of the many thousands of murder cases in Britain since the last world war.

CON: iv) The death sentence is irrevocable. A mistake cannot be put right. Even a single mistake, among no matter how many thousands of cases, is one too many for a civilised society to chance.

PRO: v) Discrimination between degrees of homicide and the possibility of a verdict of manslaughter gives juries plenty of opportunities for clemency. It might be argued that a majority of murderers are insane – temporarily anyway – and that there is a case for revising the present somewhat restricted legal definition of insanity. But the prospect of facing the supreme penalty, not just a long jail sentence, is the only way to deal with the clearly threatening rise in those who commit murder in the course of other crimes. A life sentence is in some ways even more cruel than a death sentence, and there have been some convicted murderers who would actually have preferred the latter.

CON: v) Murderers did sometimes escape all legal punishment because the jury refused to convict, but this has become less likely now there is no death penalty. In many cases, death sentences were passed as an empty and cruel formality, when there was no intention of carrying them out. Very few murders are premeditated. Many are committed by people who are found to be insane – and no threatened penalty is likely to deter a lunatic – while in the great majority of those cases in which the murderer is held to be sane, the crime is committed under the temporary stress of violent passion or anger. That such people had to be condemned for premeditated murder, under the previous law, was a travesty of justice.

PRO: vi) That many people habitually signed petitions seeking clemency for convicted murderers was often merely the result of mass suggestion or hysteria – due, maybe, to newspaper 'hype'. It proved nothing.

CON: vi) That thousands were always eager to sign petitions for reprieve, even in cases where murder was definitely proved, shows how deep is the feeling that infliction of the death sentence is against the conscience of civilised man.

Abortion: should it be legal?

An extract from *Pros and Cons:*

A Debater's Handbook by Michael Jacobson.

PRO: i) Legalised abortion is necessary to avoid the incidence of 'back-street' operations by ignorant or ill-equipped persons and the consequent hazards for women who have sought their help: infection, injury or even death. No responsible woman deciding to seek an abortion would ever make such a decision lightly. But one point on which she can reassure herself is that a child has no legal existence before birth and, in any case, is not even recognisable as a human being until relatively late in a pregnancy.

CON: i) Life begins at conception, when the egg is fertilised by the sperm, and there can be no justification for ending that life. As the Roman Catholic Archbishop of Westminster wrote to Members of Parliament in 1985: 'The needs of some cannot be allowed to eclipse the rights of others.' Many women undergo abortions only through fear of disapproval, or perhaps even threats, from their family and friends or from the child's father. The operation is accepted reluctantly at a time when a woman's mind and body, even during the most normal pregnancy, both undergo significant additional stress.

PRO: ii) Abortions are particularly necessary for the relief of pregnancies resulting from rape or incest or in girls below the legal age of consent. Figures for England and Wales in 1983 show that the number of live births to girls aged under 16 that year totalled 1249 and the number of induced abortions for the same age group was 4077. Over the preceding decade the annual total of such abortions had risen by 40% and the actual number of births had fallen by 250 – a conclusive indication, surely, of the extent of the misery which must have existed before legal abortions were available.

CON: ii) Violent end to an innocent life, one which is biologically half the own-child of the mother, is no answer to pregnancy caused by rape, incest or under-age sexual relations. Abortion is merely the easy way out. Statistically, moreover, it has been established that pregnancy follows rape relatively seldom.

PRO: iii) Abortion should never be looked at simply as a form of birth control, as many critics claim it to be. The Abortion Act 1967 specifies that the termination of a pregnancy is permitted in order to safeguard the physical or psychological health of the woman involved. That many women thus spared can later go on to exercise normal procreation, without having suffered any lasting mental or physical harm from prior abortion, is shown by one statistic published in the mid-1980s, some 18 years after abortion was legalised in this country; by that time, it was calculated, about one woman in five bearing her first-born child, in Britain, had experienced a previous termination.

CON: iii) The great majority of abortions in the UK are carried out on psychological grounds. Psychology, however, it still a science far less exact even than medicine; few doctors are trained in psychology, which points to a serious flaw in the legislation – because such training is not specifically required, by law, in those able to authorise an abortion. Little or no regard is paid to the woman's psyche after she has had an abortion. While there can be no grounds for suggesting that the lack of effective research into post-abortion, psychology might at least be partly due to doctors' fears of jeopardising their future career prospects, the fact remains that the comparative absence of studies on the subject is quite remarkable.

PRO: iv) Selective abortion can minimise the number of handicapped people in the community who will never be able to enjoy the full quality of life.

CON: iv) Abortion cannot be used to weed out 'imperfect' human beings, not only for the obvious moral reasons but also simply because of the other side of the equation: how do you define the perfect and who would be qualified to do so?

A Pick one side of the three controversial cases examined in the Resource file. Look carefully at the arguments.

- Decide which are arguments of principle and which are arguments of fact.
- Construct diagrams similar to the one on page 130 to represent these arguments.
- Are the arguments supported by the ideas of ethical egoism, altruism, utilitarianism or moral duty?
- Do you accept the arguments? On what grounds do you accept or deny them?

The visitors: an extremely short alleged play

Dr. Clea F. Rees

The play is set in a hospital room. Alex is lying in bed, very ill. He is, however, on the mend and is now able to sit up, recognise people and talk coherently. He is looking a little glum. It's been three weeks now and, for the past few days, returning consciousness has helped to bring home the mind-numbing boredom of lying in bed all day and being waited on hand-and-foot. In a brilliant piece of acting, Alex conveys all this to the audience. Then, Chris walks in with some chocolate.

Act I

Chris: Hi, Alex! Heard you were doing a bit better and thought you might appreciate a visitor. But please let me know if you're not up to talking – the nurses said I mustn't tire you.

Alex: No, really – it's great to see you. I've been bored out of my mind. Ah, chocolate! Thank you so much.

Chris hands Alex the chocolate. Chris and Alex talk a little about the world, the weather etc.

Alex: It really is good of you to come – hospitals aren't the most exciting places on earth, are they? And I know how busy you are at the moment, what with that project you have to help the orphans and all.

Chris: Well, I thought that it would be great to see you – after all, if you were dying, you might leave me your vast wealth in gratitude and then I'd really be able to help out the orphans who will, otherwise, certainly suffer a fate-worse-than-death. Plus, if I got your money, they'd all live happily, go to university and become brilliant mathematicians, philosophers, doctors, astronomers, biochemists, novelists and peacemakers. In fact, although you're doing better, the nurses assured me you'd be popping your clogs before we need to start building the orphanage and that's when we'll really need the money – so, it might still work

out for the best. Otherwise, of course, I should have been out tonight rattling the collecting tin!

Act 2

Chris has now left and Alex is, again, lying in bed alone. Then, Sam walks in. Sam is carrying a cake.

Alex: Sam! Great to see you!

Sam: Alex, you're looking a lot better...
do you feel better?

Sam hands Alex the cake.

Alex: Well, strictly speaking, I felt less bad when I was unconscious – but I'm not complaining.

Sam and Alex discuss the (latest) weather, the world etc.

Alex: It really is good to see you, Sam. I really appreciate your stopping by. What with being isolated in this dreary place and, then, when somebody DID come to see me, having it turn out to be Chris who just wants my money for the orphans, it's been quite a week. Thanks so much – and the cake is great, too.

Sam: Well, you know... it was only decent to come and see you.

Alex: Oh, come on! It was really nice of you – I'm glad to have you as a friend.

Sam: No, really, Alex. Coming to see you was clearly the right thing to do. In fact, I didn't really want to come by – you're rather apt to complain when you don't feel well. Plus, there was a great play on tonight – infinitely better than this one – which I was offered a free ticket to. It was very tempting. However, I knew it was my duty to come here, since we are friends, and, so, of course I came.

Act 3

Once again, Alex is alone in the bare hospital room. Alex is feeling pretty bad, perhaps. A tear or two trickles slowly down pallid cheeks. Whether this is due to hay fever, pain or the recent visits of his friends is not entirely clear. It is left to the audience to decide.

Pat: Good evening, Alex!

Alex: Pat! Fantastic to see you... er, well, possibly. You haven't come in hopes of grabbing my money for orphans or because it's your duty, even though you don't want to... or, er... anything?

Pat: Of course not, Alex. The nurses said you'd been upset by your other visitors and I did wonder why. But, of course, I came to see YOU – not to fulfill my duty or save the orphans.

Alex: Thank goodness. I've really wanted somebody to come just because they wanted to...

Pat: I do feel a bit guilty, though.

Alex: Why?

Alex is rather alarmed at this point and asks the question warily, pulling away from Pat – at least, insofar as the IV allows this.

Pat: Oh, well... I see the chocolate and cake which Chris and Sam brought you and I realised I totally forgot about bringing something. I'm very sorry – I've been trying to find the time to visit and, somehow, when I realised I could come tonight, I was so eager to see you again that I just didn't think of it. I know this doesn't really count, but the nurses did say you'd been grumbling about the selection of reading material they have here. Looking at it, I wasn't surprised. I'd think a bored octopus, with limited English skills and no experience outside of a tedious bit of ocean, would get tired of those magazines after a time – about 20 seconds, I'd think. Anyway, I do

happen to have my copy of *The Hitch Hiker's Guide to the Galaxy* with me. It's a bit battered, but you're welcome to borrow it. It's a trilogy in four parts, so it should fill a good bit of your time. Also, it does have instructions for leaving the planet, in case you're really fed up – though I'd much rather you stayed on earth, myself...

Alex, looking relieved, takes the book, as Pat hands it over, and smiles contentedly. Alex hasn't read it and, although leaving the planet isn't quite such an urgent priority now, it is always best to be prepared...

The End

Warning: this play was written to be performed by trained ethicists. Attempting to perform it without satisfactory ethical supervision may be extremely hazardous. Performers use the play at their own risk. The author accepts no responsibility for anything. 'Anything' includes but is not limited to use, misuse and abuse of this play, whether in performance or reality.

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